

REMARKS

This responds to the Office Action dated March 9, 2007.

Claims 1, 3-4, 8, 10, 12-15, 17-18, 20-24, 28-29, 34, and 36-37 are amended, claims 2, 11, 16, and 35 are canceled, and no claims are added; as a result, claims 1, 3-10, 12-15, 17-34, and 36-41 are now pending in this application.

Per the request on page 2 of the Office Action, the Applicant has reviewed the claims and corrected all antecedent and other minor problems in the claims.

Claim Objections

Claims 34 and 36 were objected to as being informal. The Applicant has amended claims 34 and 36 per the suggestions in the Office Action, and the Applicant respectfully submits that these amendments overcome the objections to claims 34 and 36.

§112 Rejection of the Claims

Claim 8 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 9 was rejected based on its dependency upon rejected claim 8.

Claim 13-14 were rejected on the grounds that there was insufficient antecedent basis for the limitation "the received signal phase."

Claim 15 was rejected on the grounds that there was insufficient antecedent basis for the limitations "the transmitter" in line 2 and "the local receiver and the remote transmitter clocks" in line 4.

Claims 16-22 were rejected based on their dependency upon rejected claim 15.

Claim 18 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 19 and 22 were rejected based upon their dependency upon rejected claim 18.

Claim 20 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 24 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 28 and 29 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 35 was rejected on the grounds that there was insufficient antecedent basis for the limitation "repeating the estimating, computing and synchronizing steps above for each window length."

Claim 37 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

All of the foregoing claims that were rejected under 35 U.S.C. § 112, plus some additional claims identified by the Applicant, have been amended, the Applicant respectfully submits that the claim amendments have overcome the rejections, and the Applicant further respectfully requests that the rejection of the claims under 35 U.S.C. § 112 be withdrawn.

§102 Rejection of the Claims

Claims 1, 10, 15, 34 and 37 were rejected under 35 U.S.C. § 102(e) for anticipation by Alloin et al. (U.S. Patent No. 6,804,318).

The Applicant has amended claim 1 by incorporating the limitations of claim 2 into claim 1 and canceling claim 2. The Applicant respectfully submits that this amendment puts claim 1 into a condition for allowance.

The Office Action rejected claim 2 under 35 U.S.C. § 103(a), stating that the network timing reference in Alloin serves the same purpose as the input pilot signal recited in claim 1. The network timing reference in Alloin relates to a coordination of data transfers between remote network devices and a central office, wherein a plurality of various network timing reference

signals may be supplied to the central office. (Col. 5, lines 8-20). However, even if the network timing signal of Allion and the input pilot signal of claim 1 are equivalents, the Alloin reference fails to disclose that the reference timing signal is used to estimate the frequency and phase drifts between the transmitter and receiver clocks, compute a clock correction parameter based on the phase and frequency drifts, and synchronize the receiver clock with the transmitter clock based on the clock correction parameter, as is recited in claim 1.

Claim 15 has been amended to include all of the limitations of claim 16. The Office Action rejected claim 16 as being nothing more than a restating of the limitations of claims 2. Since the Applicant has pointed out above the patentability of claim 2 over the Alloin reference, the Applicant respectfully submits that for similar reasons, amended claim 15 is patentable over the Alloin reference, and the Applicant respectfully requests the withdrawal of the rejection of claim 15.

The Office Action rejected claim 34, stating that claim 34 restates the limitations of claim 2 on a computer readable medium. For the reasons pointed out above in connection with claims 1 and 2, the Applicant respectfully submits that claim 34 is allowable over the Alloin reference. Moreover, since claim 37 is dependent on claim 34, claim 37 incorporates all the limitations of claim 34, and the Applicant respectfully submits that claim 37 is likewise allowable over the Alloin reference.

§103 Rejection of the Claims

Claims 2, 8-9 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alloin et al. (U.S. Patent No. 6,804,318) as applied to claims 1, 2 and 15 above.

Claims 2 and 16 have been discussed above in connection with the rejection of the claims under 35 U.S.C. § 102(e).

Claims 8 and 9 depend either directly or indirectly on amended claim 1. As pointed out above, amended claim 1 is patentably distinct over the Alloin reference. The Applicant respectfully requests the withdrawal of the rejection of claims 8 and 9.

Allowable Subject Matter

Claims 23, 25-27, 30-33 and 38-41 were allowed.

Claims 3-7, 11-12 and 36 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3-7 are dependent on claim 1. As pointed out above, claim 1 has been amended, and the Applicant respectfully submits that claim 1 is now in a condition for allowance, and that claims 3-7 that depend on claim 1 are also now in a condition for allowance.

Claim 11 has been incorporated into amended claim 10, and the Applicant respectfully submits that this places claims 10 and 12 into a condition for allowance.

Claim 36 is dependent on claim 34, which as pointed out above is in a condition for allowance, and the Applicant respectfully submits that claim 36 is also in a condition for allowance.

Claims 24 and 28-29 were indicated to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112 set forth in the Office Action. Claims 24, 28, and 29 have been amended to overcome the rejection under 35 U.S.C. § 112, and the Applicant respectfully submits that these amendments put claims 24, 28, and 29 in a condition for allowance.

Claims 13-14 and 17-22 were indicated to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112 set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. The Office Action indicated that claim 11 would be allowable if rewritten to include all the limitations of the base claim. Claim 10 has been amended to include all the limitations of claim 11. Amended claims 13 and 14 depend on amended claim 10. The Applicant respectfully submits that claims 13 and 14 are in a condition for allowance. As pointed out above, claim 15 has been amended to include all the limitations of claim 16, and the Applicant respectfully submits that amended claim 15 is allowable. Claims 17-22 depend either directly or indirectly on amended claim 15, and as such, are in a condition for allowance.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with

this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2140 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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May 23, 2007

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23 day of May 2007.

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Signature

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